

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GERTRUDIS CAMACHO,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**REPORT AND
RECOMMENDATION**

04 Civ. 6686 (RCC) (RLE)

To the HONORABLE RICHARD CONWAY CASEY, U.S.D.J.:

Plaintiff Gertrudis Camacho brings this *pro se* action against defendant Commissioner of Social Security, for review of its decision that she is not entitled to Supplemental Security Income. On August 18, 2004, Camacho filed the complaint. On October 13, 2004, the case was referred to the undersigned. The Court held a conference on March 29, 2005, at which Camacho failed to appear. In accordance with the Court's order, dated March 30, 2005, defendant submitted a motion pursuant to Rule 12(c), Federal Rules of Civil Procedure. Camacho's response was due on June 10, 2005. Camacho, however, has failed to submit a response pleading, or to otherwise contact the Court. By Order dated January 20, 2006, the Court directed Camacho to show cause why the complaint should not be dismissed for failure to prosecute. Camacho failed to respond. In light of Camacho's failure to prosecute the case, I recommend that the Court dismiss the case against defendant.

Pursuant to Rule 72, Federal Rules of Civil Procedure, the parties shall have ten (10) days after being served with a copy of the recommended disposition to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Richard

Conway Casey, 500 Pearl Street, Room 1350, and to the chambers of the undersigned, Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); 28 U.S.C. § 636(b)(1) (West Supp. 1995); Fed. R. Civ. P. 72, 6(a), 6(e).

DATED: February 1, 2006
New York, New York

Respectfully Submitted,



The Honorable Ronald L. Ellis
United States Magistrate Judge

Copies of this Report and Recommendation were sent to:

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